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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2197 OF 2024**

1] The Ashwamedh C.H.S. Ltd.	]	
D.G. Mahajari Road, Sewri,	]	
Mumbai 400 015.	]	
	]	
2] Shri Sharadchandra T. Rane,	]	
The managing committee member,	]	
The Ashwamedh C.H.S. Ltd.,	]	
D.G. Mahajari Road, Sewri, Mumbai	]	
	]	
3] Dandekar Suhas Nathuram	]	
4] Desai Priti Shriram	]	
5] Dudhwadkar Subhod Chandrakant	]	
6] Joshi Jitendra Vasudev	]	
7] Joshi Padmaja Dattatray	]	
8] Kambale Ajit Yashwant	]	
9] Khot Nilima Anand	]	
10] Lagu Vivek Madhav	]	
11] Mulla Saira Shariff	]	
12] Parera Geeta Savio	]	
13] Patil Nandkumar Bhaskar	]	
14] Patil Ramnath Gopinath	]	
15] Singh Birendrakumar Jiledar	]	
16] Singh Vijayshankar Jhiledar	]	
17] Soman Nilima Subhash	]	
All are residing at Ashwamedh CHS,	]	
1/7, 110, Municipal Tenaments,	]	
D.G. Mahajani Road, Shewri,	]	
Mumbai – 400015	]	Petitioners

V/s

1] Shri Suresh Khedkar,	]
The Returning Officer,	]
The Ashwamedh C.H.S. Ltd.,	]

D.G. Mahajari Road, Sewri,	]	
Mumbai – 400 015	]	
	]	
2] The Assistant Registrar Co-op.	]	
Societies/Ward Co-op. Election Officer,	]	
F/S Division, Malhotra House,	]	
Fort, Mumbai – 400 001	]	
	]	
3] State Co-operative Election Authority	]	
Maharashtra State, Old Administrative	]	
Building, Ground Floor, Pune 411001	]	
	]	
4] The State of Maharashtra	]	 Respondents.

**WITH
INTERIM APPLICATION NO.2202 OF 2024
IN
WRIT PETITION NO.2197 OF 2024**

1] Devdas Krishna Shetty, 59,	]	
2] Ramesh Vinayak Surlikar, 48,	]	
3] Ulhas Prabhakar Aparadh, 52,	]	
4] Ravindra Vasant Mahadik, 58,	]	
5] Jithendra Pulla Kommareddy, 52,	]	
6] Avinash R. Akhade, 55,	]	
All are residing at Ashwamedh CHS	]	
1/7, 110, Municipal Tenaments,	]	
D.G. Mahajani Road, Shewri,	]	
Mumbai – 400 015	]	Applicants/Intervenors

In the matter of

1] Ashwamedh CHS LTD.,	]
1/7, 110, Municipal Tenaments,	]
D.G. Mahajani Road, Shewri,	]
Mumbai – 400015	]
	]
2] Sharadchandra Rane	]

3] Dandekar Suhas Nathuram	]	
4] Desai Priti Shriram	]	
5] Dudhwadkar Subhod Chandrakant	]	
6] Joshi Jitendra Vasudev	]	
7] Joshi Padmaja Dattatray	]	
8] Kambale Ajit Yashwant	]	
9] Khot Nilima Anand	]	
10] Lagu Vivek Madhav	]	
11] Mulla Saira Shariff	]	
12] Parera Geeta Savio	]	
13] Patil Nandkumar Bhaskar	]	
14] Patil Ramnath Gopinath	]	
15] Singh Birendrakumar Jiledar	]	
16] Singh Vijayshankar Jhiledar	]	
17] Soman Nilima Subhash	]	
All are residing at Ashwamedh CHS,	]	
1/7, 110, Municipal Tenaments,	]	
D.G. Mahajani Road, Shewri,	]	
Mumbai – 400015	]	Petitioners.

V/s

1] Shri Suresh Khedkar,	]	
The Returning Officer,	]	
The Ashwamedh C.H.S. Ltd.,	]	
D.G. Mahajari Road, Sewri,	]	
Mumbai – 400 015	]	
	]	
2] The Assistant Registrar Co-op.	]	
Societies/Ward Co-op. Election Officer,	]	
F/S Division, Malhotra House,	]	
Fort, Mumbai – 400 001	]	
	]	
3] State Co-operative Election Authority	]	
Maharashtra State, Old Administrative	]	
Building, Ground Floor, Pune 411001	]	
	]	
4] The State of Maharashtra	]	 Respondents.

Mr. S.S. Kanetkar i/b Mr. Saurav N. Katkar for the Petitioners.

Mr. Shantanu Raktate for the Applicants/Interveners.

Mr. Dilip Bodake for Respondent Nos. 1 to 3.

Mr. N.C. Walimbe, Addl. G.P. a/w Mr. S.P. Shetye, AGP for Respondents-State.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 1ST MARCH, 2024

ORAL JUDGMENT: (Per A.S. Chandurkar, J.)

1] Rule. Rule is made returnable forthwith and heard learned Counsel for the parties.

2] The grievance raised by the Petitioner Nos. 3 to 17 as well as the Applicants in Intervention Application No.2202 of 2024 is the wrongful deletion of their names from the final voters list for being eligible to vote at the elections of Petitioner No.1 Housing Society. The said Housing Society is a Type-E Society in accordance with Rule 4 of the Maharashtra Co-operative Societies (Election to Committee) Rules 2014 (for short, Rules of 2014). In the provisional voters list that was published on 25/01/2024, the names of 71 members including the present Petitioners and interveners were shown. It is the grievance of the Petitioners and interveners that an objection to exclusion of their

names from the provisional voters list was raised and in a manner contrary to the Rules of 2014, the names of 33 members came to be deleted and the final voters list comprising of 38 members came to be published on 06/02/2024. It is in this backdrop that the present writ petition came to be filed on 14/02/2024 seeking to raise a challenge to the deletion of almost 50% voters from the final voters list.

3] We have heard the learned Counsel for the parties and we have perused the documents on record including affidavit in reply filed by Respondent Nos. 1 and 2. We find that under Rule 8 of the Rules of 2014 after publication of the provisional list of voters, claims and objections with regard to any omission or error in the name or address or other particulars in the list are required to be brought to the notice of the concerned District Co-operative Election Officer. The District Co-operative Election Officer after making such inquiry as necessary is required to consider each claim or objection and thereafter give his decision in writing to the persons concerned within a period of 10 days from the last date for receiving such claims and objections. When we inquired with the learned Counsel for Respondent Nos. 1 and 2 as regards the decision of the District Co-operative Election Officer dealing

with the objections raised resulting in deletion of the names of 33 voters, we are informed that there is no such decision in writing given by the District Co-operative Election Officer. It is thus obvious that names of almost 50% of the voters whose names were included in the provisional voters list have been deleted in a manner contrary to Rule 8 of the Rules of 2014.

4] We are conscious of the fact that the election programme has been published and presently the same is at the stage of candidates withdrawing their nominations till 07/03/2024. In our view, without disturbing the election programme and without interfering with the same, the grievance limited to illegal and arbitrary deletion of the names of 33 voters from the provisional voters list can be considered. Since the names of these 33 voters have been deleted in a manner contrary to Rule 8(3) of the Rules of 2014 even without hearing them, the following order would, in our view, serve the ends of justice:-

(i) The District Co-operative Election Officer or any other Officer duly appointed by Respondent No.2 from the list of Election Officers on the Panel of the

State Co-operative Election Authority or any other eligible Officer nominated by the Respondent No.2 shall consider the objections afresh, giving an opportunity to the said 33 voters which include the Petitioners and interveners. To enable this exercise to be undertaken, Respondent No.2 shall indicate the name of the concerned Officer by 04/03/2024 who shall deal with such objections under Rule 8 of the Rules of 2014. The Petitioners and the interveners shall appear before the said Officer on 05/03/2024 at 11.00 a.m. By 08/03/2024 the aforesaid objections shall be decided.

(ii) Subject to this exercise parties are free to work out their rights.

5] Keeping the aspect of eligibility of the voters open, the writ petition is disposed of with the aforesaid directions with no order as to costs. The Interim Application is also disposed of.

6] Parties to act on authenticated copy of this order.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]